

ARIZONA DEPARTMENT OF VETERANS' SERVICES

INTERNAL MANAGEMENT POLICY 99-02

SUBJECT: Commercial Driver's License Program

EFFECTIVE DATE: August 01, 1999

1.0 POLICY: It is the policy of the Arizona Department of Veterans' Services to establish an environment that is totally free of the effects of drugs and misuse of alcohol to protect the safety of its employees and the public it serves. See also Substance Abuse, IMP 89-10.

2.0 AUTHORITY: 49 CFR Code of Federal Regulations, Parts 382 and 40 authorize the Commercial Driver License Drug and Alcohol Testing Program. A.R.S. §41-604, Duties and Powers of the Director.

3.0 RESPONSIBILITY: Employees who are required to have a CDL in the performance of their job are subject to the provisions of this policy. Employees will face disciplinary actions for refusing to submit to *post-accident*, *random*, or *reasonable suspicion* alcohol or controlled substance tests. Supervisors are responsible to initiate alcohol and/or drug screens as appropriate. When the employee is not tested after an accident, the supervisor is responsible for documenting the refusal and communicating the situation to management. Human Resources is responsible for providing CDL holders and their supervisors with training and information regarding the program. Human Resources is also responsible for complying with the Commercial Driver License Drug and Alcohol Testing Program.

4.0 DEFINITIONS:

4.1 CDL: Commercial Driver's License is required to operate a vehicle over a gross weight of 26,000 pounds and/or a vehicle designed to accommodate 16 or more persons.

4.2 Drug Testing - will identify presence of marijuana/metabolites, cocaine/metabolites, opiates/metabolites, Phencyclidine (PCP), and amphetamines.

4.3 Pre-Employment Testing - Conducted after a conditional offer of employment is made. Candidates who held previous CDL driving positions with another employer will be required to sign a release to allow Human Resources to obtain drug and alcohol test results and information from all previous employers for the past two years.

- 4.4 Random Testing - Employees who are required to possess a CDL are subject to drug and alcohol testing on an unannounced and random basis. Human Resources will schedule random tests for controlled substances at a minimum annual percentage rate of 50% of the number of CDL holders and a minimum annual percentage rate of 50% of the number of CDL holders for alcohol testing.
- 4.5 Reasonable Suspicion Testing - Designed to identify potential drug and alcohol affected employees who, while on the job, may pose a danger to themselves, their coworkers or the general public. See Substance Abuse, IMP 89-10 for additional information.
- 4.6 Post-Accident Testing - Instituted after a vehicle accident that results in (1) injury, (2) the vehicle needed to be towed from the scene, (3) the employee was cited or (4) the supervisor has reasonable suspicion that the employee has been using alcohol or a controlled substance. Within two hours, the employee should be tested, or the supervisor will document in writing the reason a test was not administered. This documentation must be submitted to the Human Resources Manager.
- 4.7 ADOT Re-Certification Testing - A re-certification physical must be taken by each CDL holder bi-annually. Human Resources will notify the CDL holder that a physical must be scheduled at least one week in advance of the due date.
- 5.0 PROCEDURES: Human Resources has contracted with qualified professional health care facilities to conduct all urine and breath sample collections and all physicals. All testing costs are paid by the agency.
 - 5.1 The employee supplies breath and/or urine specimens as required by 49 CFR, Parts 40 and 382.
 - 5.2 The lab results are provided to Human Resources.
 - 5.2.1 An alcohol test is considered negative if the result is less than .02 grams or greater of alcohol per 210 liters of breath.
 - 5.2.2 A drug screen is considered negative when certain drugs are not present (see definition).
 - 5.2.3 Human Resources will take appropriate action if the lab results are different from those specified above.
 - 5.2.3.1 If the test was pre-employment screening, the offer of employment will be rescinded.
 - 5.2.3.2 If the test was for any other purpose, Human Resources will notify the supervisor immediately.
 - 5.2.3.2.1 The employee will not be allowed to perform safety-sensitive functions.
 - 5.2.3.2.2 Human Resources and the supervisor will discuss appropriate disciplinary action, up to and including dismissal.
 - 5.3 The employee refuses to submit to required testing.
 - 5.3.1 If the test was pre-employment screening, the offer of employment

will be rescinded.

5.3.2 If the test was for any other purpose, Human Resources will notify the supervisor immediately.

5.3.2.1 The employee will not be allowed to perform safety-sensitive functions.

5.3.2.2 Human Resources and the supervisor will discuss appropriate disciplinary action, up to and including dismissal.

5.4 Human Resources will ensure re-certification physicals are conducted bi-annually.

5.5 Human Resources will provide training and information regarding the CDL Program to all employees hired to fill positions that require a CDL and to their supervisors.

5.6 The employee signs the Employee Acknowledgment - Commercial Driver's License Program (AVSC 01-47). The original is placed into the official personnel file.

5.7 On a random basis, Human Resources arranges to schedule alcohol testing to 50% of the entire pool of employees whose jobs require CDLs.

5.8 On a random basis, Human Resources arranges to schedule controlled substances screening to 50% of the entire pool of employees whose jobs require CDLs.

5.9 Human Resources schedules the type of test for the selected employee by contacting a clinic with the laboratory facilities for required tests. Dates and times will be varied so that abuse patterns can be detected.

5.10 Human Resources may not release information regarding drug or alcohol testing more than two hours prior to the scheduled test appointment.

5.11 Human Resources will document CDL program activities, lists of tested employees and lab results in keeping with 49 CFR, Parts 40 and 382.

5.12 Results of alcohol and controlled substance screening will be treated as confidential and discussed with appropriate management on a "need-to-know" basis only.

6.0 IMPLEMENTATION: This policy shall be implemented without change on the effective date.

Patrick F. Chorpenning, Director

Attachments: EMPLOYEE ACKNOWLEDGMENT - Commercial Driver's License
Program (AVSC01-47)

**ARIZONA DEPARTMENT OF VETERANS' SERVICES
EMPLOYEE ACKNOWLEDGMENT**

Commercial Driver's License Program

I hereby acknowledge that I have received a copy of the Arizona Department of Veterans' Services' policy on the CDL Program and a copy of the 49 Code of Federal Regulations, Parts 382 and 40. I fully understand that it is my obligation as an employee of the Arizona Department of Veterans Services (ADVS) to become aware of and comply with the policies and rules contained therein.

Upon signature, I understand that this document will be placed into my personnel file.

Employee Signature

Date

Please Print Name

AVSC Position Title

AVSC Human Resources Representative

Date